

**REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed July 14, 2005. At the time of the Office Action, Claims 1-5, 7-10, 12, 13, 15-19, 21-24, 26, 27, 29-33, 35-38, 41 and 42 were pending in this Application. Claims 1-5, 7-10, 12, 13, 15-19, 21-24, 26, 27, 29-33, 35-38, 41 and 42 were rejected. Claims 6, 11, 14, 20, 25, 28, 34, 39, and 40 were previously canceled by Applicants. Claims 1, 18, and 32 have been amended to more clearly define Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

**Claim and Specification Objections:**

The Examiner objected to the Specification and Claims 9, 12 and 26 because of informalities. Applicants amend the Specification and Claims 9, 12, and 26 accordingly to overcome these objections.

**Rejections under 35 U.S.C. §103**

Claims 1-3, 9, 10, 12, 13, 15, 16, 18, 19, 23, 24, 26, 27, 29, 30, 32, 33, 37, 38, 41 and 42 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication 2001/0045670 filed by Naoki Nojiri ("Nojiri") in view of U.S. Patent 5,386,136 issued to Williams et al. ("Williams"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 4, 7, 21 and 35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nojiri in view of Williams as applied to Claims 1-3, 9, 10, 12, 13, 15, 16, 18, 19, 23, 24, 26, 27, 29, 30, 32, 33, 37, 38, 41 and 42 above, and further in view of U.S. Patent 5,844,276 issued to H. Jim Fulford, Jr. et al. ("Fulford"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Nojiri in view of Williams and Fulford as applied to Claims 4, 7, 21 and 35 above,

and further in view of U.S. Patent 6,372,557 issued to Siew Kok Leong ("Leong"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 8, 22, and 36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nojiri in view of as applied to Claims 1-3, 9, 10, 12, 13, 15, 16, 18, 19, 23, 24, 26, 27, 29, 30, 32, 33, 37, 38, 41 and 42 above, and further in view of Leong. Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 17 and 31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nojiri in view of Williams as applied to Claims 1-3, 9, 10, 12, 13, 15, 16, 18, 19, 23, 24, 26, 27, 29, 30, 32, 33, 37, 38 41, and 42 above, and further in view of U.S. Patent 6,780,714 issued to Mark A. Gajda et al. ("Gajda."). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Williams does not disclose the limitation of a the ring shaped structure that overlaps the first and second stripe shaped source regions. According to Fig. 9, Williams

discloses a p-body that completely surrounds the source region. Applicants further amended the pending independent claims to more clearly define that the ring shaped structure only partially overlaps the first and second stripe shaped source regions as shown in particular in Fig. 3 of the present application.

Furthermore, Williams does not disclose a two transistor structure as claimed in the independent claims. Thus, there would be no motivation for a person skilled in the art to even consider Williams. Williams discloses a single angular shaped transistor structure on the left side of Fig. 9. See in particular col. 8, lines 23-35. In addition, Williams discloses two transistors on the right side in Fig. 9. However, these two transistors do not include the ring shaped structure surrounding both transistors. Thus, Williams clearly does not disclose the limitation of surrounding two transistors and, therefore, teaches away from such a concept. Hence, a person skilled in the art would not combine Williams and Nojiri as suggested by the Examiner.

Nojiri does neither disclose nor suggest the structure as claimed in the present independent claims. In fact, Nojiri does not disclose anything beyond the prior art discussed in Fig. 1 of the present application. None of the cited prior art discloses a ring shaped structure that surrounds a two-transistor structure and partially overlaps with the source regions of these transistors. Thus, Applicants respectfully request allowance of all independent claims.

Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claims to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

**CONCLUSION**

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the claims as amended.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorney for Applicants



Andreas Grubert  
Limited Recognition No. L0225  
Limited Recognition Under 37 C.F.R. §11.9(b)

Date: October 13, 2005

SEND CORRESPONDENCE TO:

BAKER BOTTS L.L.P.  
CUSTOMER ACCOUNT NO. 31625  
512.322.2545  
512.322.8383 (fax)